

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-05-21 (A. 3-16)

RECORDS RETENTION SCHEDULE

Effective: March 29, 2016

Corrected: June 14, 2016

The Judicial Branch maintains a schedule for court records indicating the length of time that various records are to be retained by the courts and addressing their disposition at the conclusion of the on site retention period. Amendments to the Judicial Branch records retention schedule are initiated by the State Court Administrator and presented to the Supreme Judicial Court for review and approval. This order identifies the current Judicial Branch records retention schedule and supersedes all previous orders and schedules.

**GENERAL INFORMATION REGARDING RECORDS RETENTION
SCHEDULE**

1. For each record type, the schedule indicates the number of years those records are to be retained on site. At the conclusion of the on site retention period, the schedule indicates the number of years, if any, that records are to be retained at the Records Center of the Maine State Archives. Finally, the schedule indicates the ultimate disposal of the records, either at Maine State Archives (A) or by being destroyed (D). All retention periods listed in the retention schedule are stated in years, counted from date of case filing.

2. The retention schedule does not apply until all financial activity is completed. For the purposes of this schedule, financial activity includes fines, counsel fees, fees, costs, and open escrow accounts. The files with fines, counsel fees, fees and costs do not need to remain on site for one year after the final payment. Any case with an escrow account must be retained on site until one year has elapsed from the disbursement of that account.

3. A case file otherwise eligible for destruction or movement to the Records Center must remain on site if there has been any type of court activity within the last year. The case file must stay on site for one year from the date of last court activity. For purposes of this schedule, court activity is defined as judicial review of motions, stipulated agreements, and actions which result in the disposition of a case. Informational filings and associated docket entries are not considered court actions for the purposes of this schedule.

4. Criminal cases are retained according to the most serious classification at the time of filing, e.g., if filed as an A, B, or C Burglary, it shall be retained as an A, B, or C even if the defendant pleaded guilty to a lesser charge such as Criminal Trespass.

5. All docket books sent to Archives must include an alphabetical index.

6. For the purpose of preserving historical documents, until further order of the Supreme Judicial Court, all records from the Lincoln County Superior Court will be retained in perpetuity without regard to any other provision of the Records Retention Schedule.

SUPREME JUDICIAL COURT

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Card Index	Permanent		
2. Case Files			
A. Law Court Appeals	5	10	D
B. Judicial Discipline	20	20	D
C. Opinions of the Justices	15	0	A
D. Bar Discipline	20	20	D
E. Sentence Appeals	10	20	D
F. Single Justice Matters	10	20	D

SUPERIOR COURT and DISTRICT COURT
For Cases Filed as of 1/1/97

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Criminal Records			
A. Docket Books w/indices	25	0	A
B. Card Index	Permanent		
C. Case Files – Murder	10	15	A
D. Case Files – Felony/Class A, B, and C cases	10	10	A
Superior Court – Felony/Class A, B, and C cases at time of filing			
District Court – Class A, B, and C cases that actually have a Rule 11 hearing in the District Court			
District Court – Class A, B, and C cases that do not have a Rule 11 hearing in the District Court	5	0	D
E. Case Files – Misdemeanor/Class D Cases subject to specific collateral consequences	5	20	A
F. Case Files – All other Misdemeanor/Class D and E cases	5	20	D
G. Reporters' Notes – Murder	5	20	A
H. Reporters' Notes – Other	6	0	D
I. Grand Jury Records	10	0	D
J. Pardons	2	0	D
File document with case file. If file in Records Center or Archives, transmit document. If file destroyed, retain 2 years on site then destroy.			
K. Search Warrant Files	10	0	D
L. Appeals	2	0	A
2. Civil Records			
A. Docket Books w/indices	20	0	A
B. Card Index	Permanent		
C. CV – General Civil	10	10	D
D. FM – Family Matters	20	0	A
E. SA – Special Actions	3	0	D
F. RE – Real Estate	10	10	A
G. SC – Small Claims/disclosure	5	0	D
H. VI – Civil Violations (also includes removals for Jury Trial)	1	6	D

I. PC – Protective Custody	20	0	A
J. JV – Juvenile Records	5	10	D
K. TI – Traffic Infractions	1	0	D
L. AP – Appeals	5	10	D
M. PA – Protection From Abuse	5	20	D
N. PH – Protection From Harassment	5	20	D
O. MH – Mental Health	5	10	A
P. AD – Administrative Cases	2	8	D
Q. Reporters' Notes	6	0	D

Note that for Family Matter cases with child support orders, the notes or the tape must be kept until the child turns 18 years of age (per Maine statute).

3. Naturalizations – All records 0 0 A

All naturalization books and index files should be delivered to Archives. Index cards, in appropriate file drawer, may be boxed with Naturalization books. This must be indicated on the box.

4. Jury Records – All records 2 0 D

Jury records should be kept in file folders for the month that jurors served, and after two years these records should be destroyed.

5. Exhibits

Covered by Administrative Order

6. Electronically Recorded Court Proceedings

A. Digital Recordings¹ – Digital recordings of court proceedings, other than murder, shall be stored for a minimum of ten (10) years from the date of the recording. Digital recordings of murder proceedings shall be stored indefinitely.

B. Analog (Cassette) Recordings – All proceedings recorded on analog cassette tapes will be stored for a minimum of ten (10) years from the date of the recording.

¹ The Judicial Branch stores digital electronically recorded hearings in a proprietary format (For The Record [FTR] software). If that format were to become obsolete, the Judicial Branch would make a good faith effort to convert the proprietary format into a format consistent with the industry standard at the time the request is made, but the Judicial Branch cannot assure future availability.

SUPERIOR COURT
For Cases Filed Prior to 1/1/97

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Criminal Records			
A. Docket Books w/indices	25	0	A
B. Card Index	Permanent		
C. Case Files-Murder	10	15	A
D. Case Files – Felony/ABC	10	15	A
E. Case Files – Misdemeanor – Any other (District Court appeals, extradition)	5	0	D
F. Reporters’ Notes – Murder	5	25	A
G. Reporters’ Notes – Other	6	0	D
H. Grand Jury Records	10	0	D
I. Pardons File document with case file. If file in Records Center or Archives transmit document. If file destroyed, retain two years on site then destroy.	2	0	D
2. Civil Records			
A. Docket Books	20	0	A
B. Card Index	Permanent		
C. Case Files – Civil Violations This section is deleted and is now included in Section G			
D. Case Files – Divorce	20	0	A
E. Case Files – Divorce Abstracts This section is deleted			
F. Case Files – URESA/UIFSA	20	0	D
G. Case Files – Other	10	10	D
H. Reporters’ Notes Note that for Family Matter cases with child support orders, the notes or the tape must be kept until the child turns 18 years of age (per Maine Statute).	6	0	D
I. Land Cases	10	10	A

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| 3. Naturalizations – All records
All Naturalization books and index files should be delivered to Archives. Index cards may be boxed with Naturalization books. This must be indicated on the box. | 0 | 0 | A |
| 4. Jury Records – All records
Jury records should be kept in file folders for the month that jurors served or were excused. After two years those records should be destroyed and the current records placed in that folder. | 2 | 0 | D |
- 5. Exhibits** – Covered by Administrative Order

DISTRICT COURT
For Cases Filed Prior to 1/1/97

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Criminal Cases, Civil Violations, and Traffic Infractions			
A. Docket Books w/indices (if index is in book and filed at Archives)	25	0	A
B. Case Files (including expunged cases)	5	0	D
C. Search Warrant Files	10	0	D
D. Arrest Warrant Files, Partial Payment Files, Summons Files Only kept in certain courts, generally in active files. Keep active files on site; consider finished documents as part of case file and retain or dispose with case files, as stated above.			
E. Pardon Records File document with case file. If file in Records Center or Archives, transmit document. If file destroyed, retain 1 year on site then destroy.	2	0	D
F. Uniform Traffic Ticket is now included in 1.B.			
G. Rule 11 “Felony” Records These “Felony” Records include only those where the case was disposed in District Court by a Rule 11 hearing.	10	15	A

2. Divorce Records – Including separate support cases			
A. Docket Books w/indices	20	0	A
B. Card Index	Permanent		
C. Case Files – including mediation reports	20	0	A
D. Abstract Copies (vital statistics)	0	0	D
3. Family Court Records – Including family actions other than divorce, such as paternity suits, separations, etc.			
A. Docket Books w/indices	20	0	A
B. Case Files – including mediation reports	20	0	A
C. Abstract Copies	0	0	D
4. Small Claims Records			
A. Docket Books w/indices	5	0	A
B. Case Files	2	3	D
5. Disclosure Records/Money Judgments			
A. Docket Books w/indices	20	0	A
B. Case Files	5	0	D
6. Forcible Entry and Detainer			
A. Docket Books w/indices	5	0	A
B. Case Files	3	2	D
7. Civil Records			
A. Docket Books w/indices	20	0	A
B. Case Files	5	15	D
C. Land Cases	5	15	A
8. URESA Records			
A. Docket Books w/indices	20	0	A
B. Case Files	20	0	D
9. Protection from Abuse Records			
A. Docket Books w/indices	5	0	A
B. Case Files	5	0	D
C. Schedule Books	1	0	D
10. Protection from Harassment Records			
A. Docket Books w/indices	5	0	A
B. Case Files	5	0	D
C. Schedule Books	1	0	D

11. Mental Health & Retardation Records

A. Docket Books w/indices	5	0	A
B. Case Files	5	0	A

12. Sterilization Records

A. Docket Books w/indices	5	0	A
B. Case Files	5	0	A

13. Protective Custody Records

A. Docket Books w/indices	20	0	A
B. Case Files	20	0	A

14. Juvenile Records

A. Docket Books w/indices	20	0	A
B. Case Files	10	10	D

15. Marriage Waivers

A. Marriage Waivers	1	0	D
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VIOLATIONS BUREAU

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Case Files for disposed cases	Minimum of 6 months and until audit completed	---	D
2. Electronically Stored Data	7 years from judgment or payment		D

COMMITTEE ON JUDICIAL RESPONSIBILITY & DISABILITY

<u>Record Series/Record Type</u>	<u>On Site</u>	<u>Record Center</u>	<u>Disposal</u>
1. Case Files	10	25	D

For the Court,

/s/
 Leigh I. Saufley
 Chief Justice

Promulgation Date: March 29, 2016

Corrected: June 14, 2016

Records Retention Schedule

AO JB-05-21 (A. 3-16), Effective: March 29, 2016, Dated: March 29, 2016

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Issued to specify that, “[f]or the purpose of preserving historical documents, until further order of the Supreme Judicial Court, all records from the Lincoln County Superior Court will be retained in perpetuity without regard to any other provision of the Records Retention Schedule.”

Corrected: June 14, 2016, because the document mistakenly omitted the already-adopted amendments of October 5, 2015.

Historical Derivation of JB-05-21:

Records Retention Schedule

AO JB-05-21 (A. 10-15), Effective and dated: October 5, 2015

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Issued to modify retention schedules and disposals in accordance with the recommendations of the March 17, 2015, Report of the Records Management Implementation Work Group as presented to the Supreme Judicial Court by the State Court Administrator. Specifically, the retention schedules are amended with respect to certain Supreme Judicial Court case files and certain Superior Court and District Court case files, reporters’ notes, criminal records, civil records of special actions, juvenile records, and protection from abuse and protection from harassment records.

Records Retention Schedule

AO JB-05-21 (A. 5-15), Effective: May 1, 2015, Dated: May 1, 2015

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Issued to include the retention schedule for analog and digital electronically recorded court proceedings and to correct clerical errors.

Records Retention Schedule

AO JB-05-21, Effective: August 1, 2005, Dated: July 19, 2005

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Records Retention Schedule

AO JB-02-01, Dated: February 1, 2003

Signed by: James T. Glessner, State Court Administrator